



DEPARTMENT OF LAND AND NATURAL RESOURCES

News Release

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DLNR CLARIFIES RULES FOR COMMERCIAL ACTIVITIES ON STATE LANDS Permits Required for Beach Weddings

HONOLULU -- Effective August 1, 2008, the Department of Land and Natural Resources (DLNR) will require permits for all commercial beach weddings taking place on state beaches and unencumbered lands.

Current application forms for right-of-entry permits are available at all DLNR district offices and on the Land Division website at <http://hawaii.gov/dlnr/land/forms-1/forms>.

An applicant for a right-of-entry permit must identify the location and size of the area being requested for the event, the county tax map key number for the site, provide proof of liability insurance coverage, and pay a fee. A map showing the requested location must also be attached to the application.

DLNR has been holding meetings, coordinated by the island visitor bureaus on O'ahu, Kaua'i and the Big Island of Hawai'i and the Maui Hotel and Lodging Association on Maui in cooperation with the State Tourism Liaison, with commercial wedding industry representatives. Meetings were held last week on Maui and Kaua'i, yesterday in Kona and today on O'ahu.

The meetings are intended to explain state procedures already in place for commercial activity on state beaches, the right of entry permit system DLNR will use, and improve the department's understanding of the scope and nature of the commercial beach wedding industry for better management purposes.

DLNR, which manages state marine and freshwater resources, parks, forests, beaches, harbors, leases, conservation and unimproved lands in the state, has been pursuing greater compliance with its permitting requirement for commercial activities on State unencumbered lands for several years.

"DLNR has been addressing the growing impacts of unpermitted use of the unencumbered public lands by commercial operators statewide," said Laura H. Thielen, DLNR chairperson.

“Our department has the public trust responsibility to manage the State's public lands and natural resources. We are guided by a hierarchy of resource management priorities, which is first, to protect our natural and cultural resources; second to provide for public resident recreational access that does not damage those resources; and third, to allow commercial activity only if it does not impact the natural and cultural resources, or the public’s recreational use,” said Thielen.

During the first several months this year, DLNR received a large volume of requests for right-of-entry permits for commercial beach weddings on Maui and Kaua‘i. At the same time, the Department realized that many commercial wedding businesses have been operating on state unencumbered lands without permits.

Consequently, the Department decided to reassess its existing permitting process to consider improvements that could promote greater compliance.

DLNR is working with the industry to establish a streamlined right-of-entry permitting process for all commercial wedding operations on state beaches. In considering these improvements, the Department is seeking to address the industry need for speed and certainty and still respect the capacity limits of popular beaches.

DLNR is currently considering an online permitting system, similar to the existing DLNR reservation system for commercial operators using the state’s Na Ala Hele hiking trails.

“An online system incorporates a lot of the features, such as timely processing and flexibility, that may eventually provide near-instantaneous permit processing over the Internet, a feature that members of the wedding industry previously expressed would be desirable,” said Morris Atta, the DLNR Land Division Administrator.

Adapting that system to suit the respective needs of the resources, recreational users and the wedding industry requires the gathering of data that identifies the times and locations where commercial weddings may be permitted, as well as the capacity limitations of each site.

DLNR will seek to obtain that type of data to help it determine the parameters of use for the existing right-of-entry procedures and any future commercial use permit system.

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Background: The Department of Land and Natural Resources (DLNR) bears the public trust responsibility to manage the State's public lands and natural resources. The Board of Land and Natural Resources established the following hierarchy of resource management priorities:

1. The Department's statutory mandate is for the protection and proper stewardship of Hawaii's natural and cultural resources.
2. Public access to these resources is provided for in a manner to promote public safety and to ensure that public activity does not damage the resource.

3. Commercial activity on public resources will only be considered if the activity does not adversely affect the natural and cultural resources, the community, or the general public's recreational activity.

Since its adoption in 2002, Hawai'i Administrative Rules (HAR) §13-221-35 has required and continues to require persons conducting commercial activities on State unencumbered lands to obtain a permit from the Department.

The Department is authorized under Hawai'i Revised Statutes (HRS) §§171-6 & 171-55 and HAR §13-221-5 to issue permits for such activities. State unencumbered lands include most beaches under the jurisdiction of the State.

The Department has been issuing right-of-entry permits for weddings on state beaches on a regular basis to commercial wedding vendors over the years.

DLNR has also held prior discussions with the wedding industry on the agency's requirement for right of entry permits to use state land.

After members of the industry who had not been in compliance with and/or aware of the permitting requirement became aware of the Department's efforts, they requested additional time in which to comply with the law.

In an attempt to work collaboratively with the industry on improving the existing permitting process and ultimately attain greater compliance, the Department agreed to refrain from requiring the right-of-entry permits for commercial beach weddings temporarily until at least August 1, 2008.